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ILLINOIS STATE SENATE  
**TODD SIEBEN**  
 45TH DISTRICT  
 ASSISTANT REPUBLICAN LEADER

July 21, 2003

Mr. K. Dane Snowden  
 Chief, Consumer and Governmental Affairs Bureau  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW  
 Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

Dear Chief Snowden:

I am writing concerning the recent rules adopted by the FCC regarding the national Do Not Call Registry (CG docket No. 02-278, adopted June 26, 2003, and released on July 3, 2003). As you are aware, these rules have the effect of applying the federal "do not call" (DNC) standards to *intrastate* calls, and have the effect of nullifying state laws that do not meet the federal requirements. As the chief Senate sponsor of the Illinois Restricted Call Registry Act, I am strongly opposed to this action by the FCC, and I urge the FCC to reconsider this element of the DNC rules.

The Illinois Restricted Call Registry Act (Public Act 92-795) was crafted over the course of several years with input from a wide array of legislators on both sides of the aisle and other interested parties including the Illinois Attorney General and the AARP. As a result of a long and arduous process, Illinois has enacted a well-thought-out statute that will allow consumers to stop the annoyance created by sophisticated telemarketing operations, while preserving other essential communications, such as allowing calls to consumers to set up an appointment to conduct a business transaction. For example, the Illinois law would allow a real estate agent to contact a homeowner on behalf of an interested buyer to see if the homeowner were interested in meeting to discuss an offer to purchase. To my knowledge, there is no outcry from the citizenry about this type of legitimate and important business communication – and yet the FCC rule would nullify this distinction in Illinois law and ban such calls to persons on the DNC registry.

In short, Illinois has enacted a strong yet balanced statute that was passed unanimously by both the House and the Senate and signed by the Governor. The bill had widespread input and support from a variety of legislators, regulatory agencies, and public interest groups, and even includes provisions to ensure that the Illinois law will mesh with the federal DNC registry.

2

I strongly urge the FCC to reconsider its recently proposed rule and allow States to enact and enforce laws on behalf of, and with the support of, the State's citizens regarding telephone calls made within the State's boundaries.

Please feel to contact me if you would like to discuss this matter further.

Sincerely,

2

The Hon. Todd Sieben  
Illinois State Senator

cc    The Hon. Dennis Hastert, Speaker of the House  
      The Hon. Peter Fitzgerald, United States Senator  
      The Hon. John Shimkus, United States Representative  
      The Hon. Bobbie Rush, United States Representative  
      The Hon. Jan Shakowsky, United States Representative